

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

GASTRONOMICAL WORKERS UNION
LOCAL 610 & METROPOLITAN HOTEL,
et al.,

Civil No. 06-1346 (JAF)

Plaintiffs,

v.

DORADO BEACH HOTEL CORPORATION
d/b/a HYATT DORADO BEACH RESORT
& COUNTRY CLUB, et al.,

Defendants.

O R D E R

This court's orders at Docket Document Nos. 78 and 79, granting the relief requested at Docket Document Nos. 76 and 77, are **VACATED AND SET ASIDE**. Upon further reflection, Docket Document Nos. 76 and 77 are **DENIED** for the following reasons:

1. The court's revised Manual for Civil and Criminal Cases, Administrative Procedure for Filing, Signing and Verifying Pleadings and Papers by Electronic Means, published on July 26, 2006, has shifted the responsibility of e-mail verification to the attorneys: "Once the Electronic Case Filing System sends the 'Notice of Electronic Filing,' it is presumed that it reached the attorney's e-mail address, unless the e-mail bounces back to the Electronic Case Filing System." Section II(B)(b). That was not the case here.

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1 “The attorney is responsible for verifying his/her notifications
2 through e-mail, docket activity report, and/or ECF Notifications.”
3 Section II(B)(c). Attorneys have two tools to verify that they are
4 receiving notifications for all their cases:

5 (1) “The Docket Activity Report is available through the Report
6 menu option. It shows all the activity in the cases where
7 an attorney appears as attorney of record for any period of
8 time.”¹

9 (2) “The ECF Notifications feature is available through the
10 Utilities menu option. It displays daily notifications sent
11 to the attorney.”²

12 Therefore, in this sense, it does not matter if counsel did or
13 did not receive the e-mail, they can still verify the notifications
14 they are supposed to receive and then access PACER to view the
15 entry/document.

16 2. We requested that the court’s system be checked to
17 investigate and correct any problem that may have existed in this
18 particular instance. It seems that there might have been a change in
19 counsel’s e-mail or firewall system by March 5, 2007, which will not
20 allow e-mails containing a long line of e-mail addresses to pass
21 through. They are receiving e-mails for other cases, but not in the

¹Footnote 11, Manual for Civil and Criminal Cases.

²Id.

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1 present case due to the restriction they may have in their system.
2 The court's CM/ECF Project Manager will contact both attorneys and
3 let them know of the problem. They will, in turn, contact their IT
4 person to fix it.

5 Be guided accordingly.

6 **IT IS SO ORDERED.**

7 San Juan, Puerto Rico, this 27th day of March, 2007.

8 S/José Antonio Fusté
9 JOSE ANTONIO FUSTE
10 Chief U. S. District Judge